



U.S. Department of Justice

Actions for Consideration Regarding Extended TDY Travel

Washington, D.C.
April 2014

Assessment of EX-TDY Policy

General Rules

- ▶ Reimbursement for EX-TDY travel should be limited to additional expenses incurred due to the EX-TDY travel.
- ▶ Employees should never get a windfall as a result of EX-TDY travel reimbursements.

Policy Gaps

- ▶ The FTR does not explicitly permit authorizing officials to consider circumstances that reduce or eliminate the individual's additional expenses incurred by travel, such as in situations where:
 - The employee eliminates lodging costs at the permanent duty station (i.e. sells or rents his/her residence);
 - The employee leases a residence at the EX-TDY location and resides with another person who is not a dependent child; or
 - The employee jointly leases a residence at the EX-TDY location.



Examples of Situations that Affect EX-TDY Travel Cost

- ▶ An employee was authorized EX-TDY travel to Washington, DC. The employee's spouse was authorized a PCS to Washington, DC. The employee's child also moved to DC and the residence at the permanent duty station was sold under the PCS authorization. Once in Washington, DC, the employee and the employee's spouse co-signed a lease and resided together.
- ▶ An employee was authorized EX-TDY travel to location where his/her fiancé resides. The employee and his/her fiancé leased a residence together, where they lived for the duration of the EX-TDY assignment. During the course of the assignment, the employee and the fiancé were married and continued to live together.



The FTR Guidance Regarding Reducing Per Diem

41 CFR § 301-11.200 allows agency to prescribe a reduced per diem rate lower than the prescribed maximum if:

- ▶ It can determine in advance that lodging and/or meal cost will be lower than the per diem rate; and
- ▶ The lowest authorized per diem rate is stated in the travel authorization in advance of travel.



CBCA and GSBCA Decisions DO NOT Align with the FTR

CBCA and GSBCA decisions do not permit agencies to reduce EX-TDY reimbursement.

- ▶ In the matter of Thomas F. Finigan, GSBCA 15168 – TRAV, it was concluded that regulations relating to lodging with a friend or relative do not preclude or limit reimbursement of an employee's TDY lodging expenses when the employee signs a lease for an apartment to use as lodging for the anticipated duration of the TDY assignment, even if a relative of the employee also signs the lease and stays in the apartment.
- ▶ In the matter of Harriette Treloar, GSBCA 16699 - TRAV. The decision states that lodging expenses are reimbursable whether or not the employee kept his/her home at the permanent duty station.
- ▶ In the matter of Leland G. Newport, CBCA 2291 - RELO. Although the employee on EX-TDY sold his home at the permanent duty station, and moved into a house his parents owned, the cost he incurred staying in the house (mortgage interest, property taxes, utility charges, and maintenance expenses) was reimbursable.



Actions Under Consideration at the DOJ to Address Policy Gaps

- ▶ Setting a time limit for EX-TDY travel.
- ▶ Setting a baseline reduced lodging rate.
- ▶ Setting a baseline reduced M&IE rate.
- ▶ Requiring authorizing officials to further reduce the baseline rates in certain cases.



DOJ's Recommendations to GSA

- ▶ Clarify 41 CFR § 301-11.200 that allows reduced per diem.
- ▶ Provide examples where per diem may be reduced during EX-TDY travel.



Situations That May Affect Authorized Per Diem

| | Permanent Duty Station | EX-TDY Location | Reimbursable Per Diem Rate | |
|---|------------------------------|--|----------------------------|------|
| | | | Lodging | M&IE |
| 1 | All Situations | Resides in a residence the employee owns or the employee's immediate family member owns. | | |
| 2 | Does not Pay for a Residence | All Situations | | |
| 3 | Pays for a Residence | Leases a Residence and Resides Alone | | |
| 4 | Pays for a Residence | Leases a Residence and Resides with Another Person | | |
| 5 | Pays for a Residence | Jointly Leases a Residence | | |
| 6 | Pays for a Residence | Resides with Friend/Relative | | |

